

REMARKS

Claims 12, 13, 18-21, 38-42 and 44-46 stand rejected under 35 U.S.C. 102(e) as being unpatentable over Zeitman (U.S. Patent No. 5,940,481). Applicants respectfully traverse the rejection because Zeitman does not disclose or suggest at least negotiating with the reservation communication device for a good or service, and auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer.

Zeitman purports to disclose a parking management communication system including a central control unit having a data base, a central interface unit and at least one user interface unit. The central interface unit is in communication with the at least one user interface unit via at least one of a wired and wireless communication link.

The Office Action is incorrect in its statement that Zeitman discloses or suggests auctioning that allows for at least one offer and at least one counteroffer. The Office Action indicates that once the available parking space has been reserved, the system may receive subsequent requests for the same parking spot. Such a subsequent request is not, however, a "counteroffer." A counteroffer is defined as "a return offer made by one who has rejected an offer." See, e.g., Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998, page 265, a copy of which is attached at Appendix A. In the Office Action's example, a subsequent offer may have been made and rejected, but a counteroffer by the one who rejected the offer is neither disclosed or suggested. To state it another way, Zeitman may disclose 'A' making an offer to 'C' and 'B' making a subsequent offer to 'C' which is rejected, but Zeitman does not disclose or suggest the claimed counteroffer, where 'A' makes an offer to 'C', 'C' rejects the offer and makes a counteroffer to 'A', or visa versa.

Independent claims 12, 20 and 38 recite auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer. Since Zeitman does not disclose at least this feature,

Applicants respectfully request that the rejection to claims 12, 13, 18-21 and 38-42 be withdrawn. Claims 44-46 are cancelled, without prejudice.

Claims 14, 17 and 24 stand rejected under 35 U.S.C 103(a) as being unpatentable over Zeitman over Yoshida (U.S. Patent No. 5,877,704).

Applicants respectfully traverse.

Neither Zeitman nor Yoshida, alone or in combination, disclose or suggest the feature of the independent claims of auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer. Thus, for at least this reason, Applicants respectfully request that the rejection to claims 14, 17 and 24 be withdrawn.

Claims 15 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman in view of Sehr (U.S. Patent No. 6,085,976).

Applicants respectfully traverse.

Neither Zeitman nor Yoshida nor Sehr, alone or in combination, disclose or suggest the feature of the independent claims of auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer. Thus, for at least this reason, Applicants respectfully request that the rejection to claims 15 and 22 be withdrawn.

Claims 43 and 59-63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman in view of DeLorme et al. Applicants respectfully traverse.


Neither Zeitman nor DeLorme et al., alone or in combination, disclose or suggest the feature of the independent claims of auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer. Thus, for at least this reason, Applicants respectfully request that the rejection to claims 43 and 59-63 be withdrawn

Claims 64-68¹ stand rejected under 35 U.S. C. 103(a) as being unpatentable over Zeitman in view of DeLorme. Applicants respectfully traverse.

Claims 64-65 have been cancelled without prejudice. Regarding claims 66-68, neither Zeitman nor DeLorme, alone or in combination, disclose or suggest the feature of the independent claims of auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer. Thus, for at least this reason, Applicants respectfully request that the rejection to claims 66-68 be withdrawn

For all of the above reasons, Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is invited to contact the undersigned attorney at (312) 321-4224 if there are any outstanding issues that could be resolved through a telephone conference.

Respectfully submitted,



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¹ The Office Action states claim 69, but Applicants believe that this is a typographical error since the claims are presently only numbered up to 68.